



COMMONWEALTH of VIRGINIA
Office of the Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

Mark R. Herring
Attorney General

MEMORANDUM

TO: William L. Harp, MD
Executive Director
Virginia Board of Medicine

FROM: Erin L. Barrett
Assistant Attorney General

DATE: July 12, 2021

SUBJECT: *Regulations Governing the Licensure of Surgical Assistants and the Certification of Surgical Technologists*
18VAC85-160-10 *et seq.*

I have reviewed the amendments to the *Regulations Governing the Licensure of Surgical Assistants and the Certification of Surgical Technologists*, 18VAC85-160-10 *et seq.* The proposed amendments change the regulatory status of surgical technologists from registration to certification and update the certification requirements of surgical technologists. These amendments are consistent with changes in the Code of Virginia following the passage of 2021 Va. Acts Ch. 230. These proposed amendments are exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4006(A)(4)(a), which provides an exemption for regulations “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.” Va. Code § 2.2-4006(A)(4)(a). The Board of Medicine has the statutory authority to amend these regulations under Virginia Code § 54.1-2400. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.

